

REMARKS

The Office Action of October 2, 2007 has been received and its contents carefully considered.

Turning first to the rejection for non-statutory subject matter in sections 3 and 4 of the Office Action, it would appear that this rejection may have been included by mistake. As a result of the last Amendment, claim 10 is directed to "A computer readable medium encoded with instructions...". Since a computer readable medium is a tangible, useful article, it is respectfully submitted that the rejection should be withdrawn.

Section 6 of the Office Action rejects claim 10 again, this time for alleged failure to comply with the written description requirement in the first paragraph of 35 USC 112. The written description requirement has been interpreted by the courts as meaning that patent claims cannot be amended to include new matter (it is 35 USC 132 that forbids introducing new matter into the disclosure). The courts have also determined that the test for new matter is whether the disclosure of an application will convey to an ordinarily skilled person, with a reasonable degree of clarity, that the inventor(s) was in mental possession of the invention as now claimed (see MPEP section 2163).

It is respectfully submitted that, in the present situation, a mere glance at the drawings (including various files and flow charts) would have told an ordinarily skilled person that the inventor was in mental possession of the idea of storing what is recited in claim 10 on a disk or some other computer readable medium of expression. Nevertheless, the present Amendment revises page 24 of the specification to explicitly state that the "recording medium" mentioned there is a computer readable medium. The purpose of this revision is to introduce the term into the specification.

Section 9 of the Office Action rejects independent claims 1 and 10 for obviousness based on the prior art acknowledged in the preset application (hereafter, "AAPA") in view of US patent 5,742,505 to Fushimoto et al (hereafter simply "Fushimoto"). The rejection is respectfully traversed, for the reasons discussed below.

The Office Action takes the position that most of what is recited in claim 1 is disclosed by the AAPA. However, claim 1 also recites "means for detecting and

displaying any mismatching part when alignments of the documents in at least three of the n languages of the documents have mismatched,” and the Office Action acknowledges that this is not disclosed by the AAPA. The Office Action refers to Figure 10 of Fushimoto, though, and takes the position that what is missing from the AAPA is disclosed by Fushimoto. Applicant respectfully disagrees.

Fushimoto discloses several embodiments of the portable translating device of the type shown in Figure 1 of the reference. It translates individual words. Figures 4A-4C of the reference illustrate an example of what is displayed in the first embodiment when a German word is entered and translated into French (column 5, lines 15-26). The reference explains that Fushimoto uses an intermediate language between a first language (German) and a second language (French) to facilitate translation (see column 5, lines 28-32).

Fushimoto’s Figure 10 pertains to his third embodiment, and so does his Figure 9A. It will be apparent from steps S105 and S108 in Figure 9A that this embodiment also includes an intermediate language. Fushimoto’s Figure 10 shows that the intermediate language (here, English) is used twice in the third embodiment.

Fushimoto does not display the English translations, though. What is displayed (see step S320 in Figure 9B of the reference) is just the French translation (column 8, lines 12-14), along with the entered German word.

It is respectfully submitted that an ordinarily skilled person would understand from the Fushimoto reference that Fushimoto displays a word entered in one language and possible translations in the second language. What is displayed in the reference does not also include a third language. An ordinarily skilled person would also appreciate that Fushimoto is concerned with translating individual words, and not aligning multilingual documents. He does not detect and display mismatching parts when alignments of documents have mismatched.

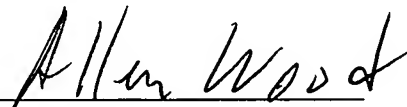
Fushimoto would not have provided an incentive for an ordinarily skilled person to modify the AAPA so as to achieve the invention defined by claim 1, since what is missing from the AAPA is also missing from Fushimoto. The rejection of claim 1 for obviousness should therefore be withdrawn. Independent claim 10 recites the step of “detecting and

displaying any mismatching part when alignments of the documents in at least three of the n languages of the documents have mismatched," so the rejection of claim 10 for obviousness should also be withdrawn.

The remaining claims depend from claim 1 and recite additional limitations to further define the invention of claim 1. They are therefore automatically patentable along with claim 1 and need not be further discussed.

For the foregoing reasons, it is respectfully submitted that this application is in condition for allowance. Reconsideration of the application is therefore respectfully requested.

Respectfully submitted,



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